

JONES DAY

222 EAST 41ST STREET • NEW YORK, NEW YORK 10017-6702
TELEPHONE: 212-326-3939 • FACSIMILE: 212-755-7306

JP882303
929500-109001

August 21, 2009

Direct Number: (212) 326-3451
mrseiden@jonesday.com

VIA ECF AND HAND DELIVERY

Honorable John G. Koeltl
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Gucci America Inc. et al v. My ReplicaHandbag.com, et al.*
07 Civ. 2438 (JGK)

Dear Judge Koeltl:

Jones Day has recently been retained to act as co-counsel for non-party the Bank of China (the "Bank") in connection with the above-referenced proceedings.

At oral argument last Friday, the Court observed several times that the dispute between the Gucci plaintiffs ("Gucci") and the Bank could likely be resolved by means of additional document production by the Bank. While the Bank continues to maintain that its prior document production wholly satisfied its obligations under the December 2008 Settlement Agreement and that the Subpoena should be quashed or a protective order granted, the Bank (a non-party to these proceedings) is anxious to resolve this matter as soon as possible and to limit its incurrence of additional expense, cost, and time devoted to this matter.

The Bank is therefore committing to produce to Gucci on, or before, Friday September 4, 2009, transaction activity documents maintained by the Bank's Guangdong Branch which relate to the deposits and withdrawals from Mr. Cho's accounts, as well as documents related to the opening and closing of the accounts. To provide Gucci with immediate comfort that the documents to be produced represent the categories of documents they contend they have been seeking all along, the Bank will produce to Gucci this Monday, August 24, 2009, sample documents which exemplify the categories of documents to be produced by September 4th. Each of these productions will be made in accordance with, and subject to, the terms and conditions of the December 2008 Settlement Agreement, including the November Side Letter. These productions are made without prejudice to the Bank's position on the pending motions.

It is the Bank's hope that the additional document productions outlined herein will ultimately render the pending motions moot. In the interim, the Bank respectfully requests that the Court hold the pending motions in abeyance, with counsel to submit a status update to the Court by the end of September.

NYI-4209661v1

Honorable John G. Koeltl
August 21, 2009
Page 2

JONES DAY

Both Mr. Loughlin and I are available to address any questions or concerns the Court may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Seiden', written over the text 'Respectfully submitted,'.

Mark R. Seiden

cc: Walter P. Loughlin, Esq.
(By ECF and Hand Delivery)

Robert L. Weigel, Esq.
(By ECF and Hand Delivery)